

CITY OF BRIGHTON, COLORADO
AMENDED REGULAR SESSION
JULY 1, 2014
7:00 P.M.

*THERE IS A 5-MINUTE
LIMIT TO ADDRESS
COUNCIL.

MAYOR
MAYOR PRO-TEM

COUNCIL MEMBERS

- RICHARD N MCLEAN
- KIRBY WALLIN
- LYNN BACA
- REX BELL
- JW EDWARDS
- MARK HUMBERT
- JOAN KNISS
- KEN KREUTZER
- CYNTHIA A MARTINEZ

1. CALL TO ORDER

- A. Pledge of Allegiance to the American Flag.
- B. Roll Call.

2. CONSENT AGENDA

- A. Approval of the April 15, 2014 City Council Minutes.
- B. Approval of the May 6, 2014 City Council Minutes.

3. APPROVAL OF REGULAR AGENDA (Council may take a short break between 8:30–9:00 p.m.)

4. CEREMONIES

- A. Recognition of the City of Brighton Relay for Life Team.

5. PUBLIC INVITED TO BE HEARD ON MATTERS NOT ON THE AGENDA (Speakers limited to five minutes)

6. PUBLIC HEARINGS

7. ORDINANCES FOR INITIAL CONSIDERATION

- A. An Ordinance of the City Council of the City of Brighton, Colorado, Establishing Certain Market Rate Salary Adjustments for Regular Full Time and Regular Part Time Employees of the City of Brighton Personnel for a Portion of Budget Year 2014; Instructing the City Manager to Implement such Adjustments Effective August 3, 2014; and Setting Forth Other Details Related Thereto.

8. RESOLUTIONS

- A. A Resolution of the City Council of the City of Brighton, Colorado, Accepting the Bid of A-1 Chipseal Co. and Awarding the Contract for the 2014 Crack Seal – Cape Seal – Slurry Seal – Concrete Replacement Project, Bid #14-012, in an amount not to exceed Four Hundred Ninety-Seven Thousand Six Hundred Seventy-Three and 25/100 Dollars (\$497,673.25), and Authorizing the Mayor to Sign the Contract on Behalf of the City and the City Clerk to Attest Thereto.

B. Roof Replacement Services for Fleet Shop and Recreation Center.

1. A Resolution Amending Certain Accounts in the Capital Improvement Fund and Appropriating Money for Expenditure.
2. A Resolution of the City Council of the City of Brighton, Colorado, Accepting the Bid of ACC Roofing, Inc. and Awarding the Contract for the Roof Replacement Services at the Fleet Shop and the Recreation Center, Bid #14-025, in an Amount not to exceed Two Hundred Fifty Three Thousand Eight Hundred Forty Dollars (\$253,840.00), and Authorizing the Mayor to Sign the Contract on Behalf of the City and the City Clerk to Attest Thereto.

9. UTILITIES BUSINESS ITEMS

Ordinances

Resolutions

10. GENERAL BUSINESS

- A. Presentation of Annual Report.
- B. Schedule a Special Study Session on July 14, 2014 at 6:00 p.m. and a Special Study Session on July 29, 2014 at 6:00 p.m. regarding the City Council Pre-Budget Session and Strategic Approach.

11. REPORTS

- A. By the Mayor
- B. By Department Heads
- C. By the City Attorney
- D. By the City Manager

12. REPORTS BY COUNCIL ON BOARDS & COMMISSIONS

13. EXECUTIVE SESSION

For a Conference with the City Attorney for the Purpose of Receiving Legal Advice on Specific Legal Questions under C.R.S. Section 24-6-402(4)(b) Regarding Water and Mobile Home Park.

14. ADJOURNMENT

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REGULAR SESSION
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COUNCIL MEMBERS**

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11. **REPORTS**

- A. By the Mayor
B. By Department Heads
C. By the City Attorney
D. By the City Manager

12. **REPORTS BY COUNCIL ON BOARDS & COMMISSIONS**

13. **EXECUTIVE SESSION**

14. **ADJOURNMENT**

City Council Agenda Item 2A

**MINUTES OF THE REGULAR MEETING OF THE CITY COUNCIL
FOR THE CITY OF BRIGHTON, COUNTY OF ADAMS, STATE OF
COLORADO, HELD ON APRIL 15, 2014.**

1. CALL TO ORDER

Mayor McLean called the meeting to order at 7:02 p.m.

A. Pledge of Allegiance to the American Flag.

Mayor Pro Tem Wallin led the recitation of the Pledge of Allegiance to the American Flag.

B. Roll Call.

Council present: Mayor McLean, Mayor Pro Tem Wallin, Councilmembers Baca, Bell, Edwards, Humbert, Kniss, Kreutzer and Martinez.

2. CONSENT AGENDA

3. APPROVAL OF REGULAR AGENDA (Council will take a short break between 8:30–9:00 p.m.)

Motion by Mayor Pro Tem Wallin to approve the Regular Agenda as presented, **second by Councilmember Humbert.**

Voting aye: All present.

4. CEREMONIES

A. National Day of Prayer Proclamation.

Mayor McLean read the Proclamation into the record and presented it to Ernie Marquez, Outreach Coordinator for the Eagle View Adult Center.

Motion by Councilmember Edwards, second by Councilmember Bell to approve the Proclamation.

Voting aye: All present.

B. Arbor Day Proclamation.

Mayor McLean read the Proclamation into the record and presented it to City Forester Kyle Sylvester.

City Forester Kyle Sylvester thanked City Council and reported on the Arbor Day program.

Motion by Councilmember Kreutzer, second by Councilmember Martinez to approve the Proclamation.

Voting aye: All present.

C. Arbor Day Poster Contest Awards.

City Forester Kyle Sylvester introduced Sydney Adams from Turnberry Elementary and explained that she took 1st place in the Arbor Day poster contest.

Mayor McLean presented a certificate to Sydney Adams.

D. Donate Life Month Proclamation.

Mayor McLean read the Proclamation into the record and presented it to Jennifer Moe with Donor Alliance.

Motion by Mayor Pro Tem Wallin, second by Councilmember Kniss to approve the Proclamation.

Voting aye: All present.

E. El día de los niños Proclamation.

Mayor McLean read the Proclamation into the record and presented it to Lindy Schultz.

Motion by Councilmember Humbert, second by Councilmember Baca to approve the Proclamation.

Voting aye: All present.

5. PUBLIC INVITED TO BE HEARD ON MATTERS NOT ON THE AGENDA (Speakers limited to five minutes)

Greg Rumbaugh, 383 South 21st Avenue, Brighton. Mr. Rumbaugh expressed his concern regarding the 30 mph speed limit on certain residential streets in Brighton.

Dylan Gagon, 556 Greyjoy, Brighton. Eagle Scout Dylan Gagon thanked everyone for attending the horseshoe pit groundbreaking at Montoya Park which was his Eagle Scout project.

James Luna, Joseph Luna, Emily Penfold and Kelson Lee, 255 South 21st Place, Brighton. The team asked for City Council's support of the two (2) Destination Imagination teams representing Brighton at the Global Finals in Knoxville, Tennessee. City Manager Esquibel asked the team to contact Councilmember Kniss and the Legacy Foundation.

6. PUBLIC HEARINGS

A. An Ordinance of the City of Brighton City Council Approving the Designation of the Former Senior Center (575 Bush Street) as a Local Historic Landmark; Setting Forth Certain Findings in Support of said Designation; Authorizing the Inclusion of the Property in the Brighton Register of Locally and Designated Historic Landmarks and Districts; Instructing the City Manager or his Designee to Notify the Owner of the Property of its Obligations and Restrictions Associated with the Designation; and Setting Forth Other Details Related Thereto. (First Reading)

Mayor McLean read the title of the Ordinance into the record.

Mayor McLean opened the public hearing at 7:52 p.m. and City Clerk Natalie Hoel verified the required postings and publications (March 26, 2014 in the *Standard Blade*) for this public hearing were completed.

City Manager Esquibel introduced Historic Preservation and Long Range Planner Aja Tibbs.

Historic Preservation and Long Range Planner Aja Tibbs explained that this item is a nomination for local historic landmark designation for 575 Bush Street, also known as the former Senior Center. The applicant is the Brighton Historic Preservation Commission through the Chairman Joseph Burt. The City of Brighton owns the property and consent for the nomination was provided through City Manager Manuel Esquibel. This request is to review at a public hearing for a nomination for 575 Bush Street as a local historic landmark. Public notice requirements in the Municipal Code have been met. Notice was published in the *Brighton Standard Blade* on March 26th and a sign was posted on the property on March 19th. No official comments have been received by staff. The property is located on the northwest corner of South 6th Avenue and Bush Street. The building was built in 1919.

In reviewing the application staff has looked at the eligibility criteria of the historic preservation regulations of the Municipal Code. If the building is 50 years or older it must meet one (1) criteria of significance within the regulations and at least one (1) criteria within each category. There are three (3) categories of significance: architectural, social historic and geographical environmental. In the architectural category this building meets one (1) criterion. The building was designed by William Redding who is known statewide as an architect that designed Hotel Boulderado which is a nationally designated historic building in Boulder, Colorado. In the social and historic category this building meets four (4) of the five (5) criteria. This building was the original constructed Town Hall of Brighton so there are a lot of links to the early government in Brighton. Some of the earliest businesses in Brighton were contracted to work on this building. In addition, Daniel Carmichael, one of the founding fathers of Brighton, established the Brighton Water and Electric Company in the building, which was instrumental in providing the first public water system to Brighton. In the geographic and environmental category three (3) of the five (5) criteria are met. There is almost 100 years of history in this building as a civic or community use. This was a Town Hall which hosted several events, the public library was located in this building, this building was known as the water department for many years, and the Senior Center was located there for many years.

The Historic Preservation Commission reviewed these findings at a public hearing on March 13, 2014 and made a recommendation to City Council for approval of the local historic designation. Staff compared this to the Comprehensive Plan 2020. There are some policies in the Comprehensive Plan that address investing in the re-use and historic value of properties in the City core, so there are policies in the Comprehensive Plan that support preserving this structure. This Ordinance would approve at first reading, designating 575 Bush Street as a local historic landmark.

Mayor McLean asked if anyone in the audience had questions for the applicant or comments on the nomination.

Dave Jacovetta, 592 South 16th Avenue, Brighton. Mr. Jacovetta explained that he is not against preserving this building but is concerned about the cost that is associated with fixing the existing issues with the building such as asbestos, outdated electrical, removal of the elevator and updating the heating and air conditioning systems. There are other issues that the City could address using this amount of money, and perhaps Council should consider other priorities.

Mayor McLean asked if anyone in the audience wished to speak on behalf of the request. There were none.

Wayne Scott, 274 South 3rd Avenue. Mr. Scott feels this is an important building and is one of the top five (5) historically important buildings in the City of Brighton. This is the only building that was built specifically as a City building and it has served the City and citizens of Brighton well. There is a great plan for community youth to use this facility. There is a plan and a budget to renovate and preserve the building. This is important for the City and the entire area. Brighton is the County seat

and this is one of the original buildings in the City. Mr. Scott encourages Council to keep this building in use for citizens in the future.

Mayor McLean asked if anyone in the audience wished to speak against the request. There were none.

Mayor McLean asked if any correspondence had been received. There was none.

Mayor McLean asked if there were questions from City Council.

Councilmember Edwards expressed his concern that the building is required to be fifty (50) years old and part of this building is ninety (90) years old and another portion was built in 1986; how does this fit as being classified as historic? **Historic Preservation and Long Range Planner Tibbs** explained that the entire structure will be designated. Staff will be pursuing rehabilitation which allows for fixing and improving the building as it stands today. The City would be able to apply for funding from many different sources, some from the State Historic Tax Fund Program if the designation is approved, and some from non-historic funding sources. Councilmember Edwards asked if this property is designated as a historic landmark, what the City is committed to monetarily at that point. Historic Preservation and Long Range Planner Tibbs explained that the City would continue to be responsible for the building as its owner, in the same way that it is responsible for all City-owned buildings. The Historic Preservation Commission (HPC) did not require that the City maintain ownership of the building, but City-ownership does allow continued flexibility and control over the use of the building. The property can still be sold if the property is designated. Councilmember Edwards asked if the Historic Preservation Commission has any funds to help with the preservation of this building. Historic Preservation and Long Range Planner Tibbs explained that there is no money in the current budget but they are recommending local and ten State designation, in order to apply for State Historic funds.

Councilmember Baca explained that the City has studied this issue for a while and asked if City Council does designate this building as historic, could the 1986 addition be demolished in the future without problems with the local designation? **Historic Preservation and Long Range Planner Tibbs** reported that the HPC looked at the 1986 addition to find if it would eliminate the possibility of getting the structure designated, and it does affect matters at the national level but not at the State level. Staff was assured by representatives at the State that it could be designated with the 1986 addition, and that pursuing local designation was the direction given to staff by Council for several reasons. There is no need to demolish the addition; the current addition is structurally sound and contains useful amenities. Councilmember Baca asked if the HPC is looking to undertake historic restoration and renovation work at this time. Historic Preservation and Long Range Planner Tibbs explained that staff will recommend rehabbing the structure to make it functionally sound, but not restoring it to an original period piece. Councilmember Baca explained that the programs proposed for this facility would serve the youth of Brighton now and in the future. Councilmember Baca would like to meet with School District 27J and find out what ideas and assistance they might bring to any partnership for this building program. The amount estimated to rehab the structure is \$710,000.00 over five (5) years. Councilmember Baca expressed her concern regarding this cost and noted that there are a lot of other needs in the City. There are a lot of projects that the City Council and residents of Brighton would like to accomplish, and Brighton should be focusing on the priorities of the future. Council needs to balance not only the services that are or could be provided to the community, but also what needs to be spent on the efficient operation of the City. Councilmember Baca feels that the City Council should study further where the funds for any project will come from.

Councilmember Bell feels that Council should balance the cost of renovation vs. the intrinsic value of the building. The HPC also struggled with this issue and is in favor of preserving this building. City Council should consider the recommendation of the HPC and Councilmember Bell is in favor of

these plans. It is important to not throw away the past or we will lose our perspective in the future. It is important to preserve our history.

Councilmember Kreutzer echoed the comments from Mr. Jacovetta but is wrestling with this decision because this building was the very first Brighton City Hall and if the building is torn down it can never be built again. Councilmember Kreutzer would like more information about the timeline and the potential funding sources for this project. It is concerning that there are some communities that do not preserve the past and they have lost it.

Mayor McLean reported that this is a difficult issue for Council being torn between the past and the present. There is always a need for buildings in the community. Mayor McLean hopes that this building could someday generate revenue after any rehabilitation. City Council has discussed this issue for about a year. This is a significant building because it was the original City Hall.

Councilmember Edwards explained that he is not against the preservation of this building or against the proposed use of what it could be, but he does have a concern that if the City owns the building and makes it a historic landmark, it could be a chain around the City's neck and the City will be committed to find the money to restore the facility. In recent budget discussions there are numerous unfunded projects that this money could be used for. Councilmember Edwards does not want to give up the history of this building but would like another entity to step up and help fund any renovation project.

Mayor McLean closed the public hearing at 8:21 p.m.

Motion by Councilmember Martinez to approve the Ordinance the title of which as read by Mayor McLean, **second by Mayor Pro Tem Wallin**.

Voting aye: Mayor Pro Tem Wallin, Councilmembers Baca, Bell, Humbert, Kniss, Kreutzer and Martinez.

Voting no: Mayor McLean and Councilmember Edwards.

Motion passes.

B. A Resolution of the City Council of the City of Brighton, Colorado, Approving, with Conditions as Set Forth Herein, a Conditional Use for a Property Addressed as 45 North Main Street, Unit #2 (A. Star Vapes, LLC).

Mayor McLean read the title of the Resolution into the record.

Mayor McLean opened the public hearing at 8:23 p.m. and City Clerk Natalie Hoel verified the required postings and publications (March 26, 2014 in the *Standard Blade*) for this public hearing were completed.

City Manager Esquibel introduced Assistant Planner Cathy Sexton.

Assistant Planner Cathy Sexton explained that this application is for a conditional use for A Star Vapes, LLC. The applicant is Melissa Lujan with A Star Vapes, LLC, the owner of the property is MEK Colorado, LLC. The location of the proposed conditional use is 45 north Main Street, Unit #2 and the request is to hold a public hearing and make a determination regarding a conditional use to operate a store that sells electronic vaporizers and accessories. Notice of the public hearing was provided no less than fifteen (15) days prior to the hearing, a sign was posted on the property March 25, 2014, written notice was mailed to property owners within 300' of the property on March 26,

2014, and notice was published in the *Brighton Standard Blade* on March 26, 2014. The Planning Division received two (2) inquiries about the use but no formal comments were received.

The property is on the SW corner of north Main Street and Strong Street and is zoned Downtown (DT). The proposed use is for the retail sale of electronic vaporizers, which are devices containing a heating mechanism that heats a liquid (that may or may not contain nicotine) which is then turned into a vapor and inhaled. Examples are electronic cigarettes or cigars. This specific use is not directly addressed in the Land Use and Development Code, but the Code does allow the Director to determine whether a proposed use is permitted, if it is similar in characteristics and impacts as a use that is expressly permitted in that zone district. It has been determined that this use is closest to tobacco sales which are a conditional use in the Downtown (DT) zone district. A conditional use is a use that may be approved with conditions or restrictions as deemed necessary by the City Council.

The applicant is proposing to sell electronic vaporizers and accessories from an approximate 375 sq. ft. unit within an existing building. On-street parking is available to the north of the building and in front of the building, and City parking is available across the street and west of the building. The proposed hours of operation are Monday through Saturday, 10:00 a.m. to 9:00 p.m., and Sunday, 10:00 a.m. to 8:00 p.m.

The following should be considered in the decision in addition to any other criteria relevant to the particular use requested: hours of operation; street and road capacity; off-street parking; fencing, screening and landscaping; building bulk, height, setbacks, location and external appearance; usable open space; and noise, vibration, air pollution, or similar environmental considerations.

Staff recommends approval of the conditional use Resolution with the following conditions:

- Smoking within the building shall be prohibited.
- Customers must be at least eighteen (18) years of age to purchase the products.
- The sale of recreational or medicinal marijuana products shall not be permitted.
- Approval of this conditional use application shall not run with the land and is limited to the operation of a "Tobacco Sales" establishment (A. Star Vapes, LLC) by Melissa Lujan at the location of 45 north Main Street, Unit #2, Brighton, Colorado.

City Council may approve the conditional use with the proposed conditions, approve the use by removing or adding conditions to those which have been proposed by Staff, or deny the request with specific findings to justify the denial and direct staff to provide a Resolution for denial.

Mayor McLean asked if the applicant would like to add anything to the presentation.

Melissa Lujan, 100 south 7th Avenue, Brighton. Ms. Lujan thanked City Council for considering her business here in Brighton. Ms. Lujan is a lifelong resident of Brighton and would like to open a business which provides a chance for smokers to wean themselves off of traditional cigarettes. There have been a lot of success stories with e-cigarettes, including her family member who has now quit smoking cigarettes and uses no nicotine.

Mayor McLean asked if anyone in the audience had questions for the applicant. There were none.

Mayor McLean asked if anyone in the audience wished to speak on behalf of the request. There was none.

Mayor McLean asked if anyone in the audience wished to speak against the request. There were none.

Mayor McLean asked if any correspondence had been received. There was none.

Mayor McLean asked if there were questions from City Council.

Councilmember Kniss asked if there are any other similar stores in Brighton. Ms. Lujan reported that there are none. Councilmember Kniss asked if King Soopers sells e-cigarettes. Ms. Lujan explained that they do sell the disposable e-cigarettes, but her products are re-usable and rechargeable and will save the consumer money in the long run.

Councilmember Martinez recalled a previous application involving a hookah bar and its location near a school. There are uses that are not addressed in the Code (like tattoo parlors) and Council has struggled to find a place where they belong. Councilmember Martinez expressed her surprise that comments were not received from the other tenants in the building about this proposal, but feels that this use would fit in the area which is in close proximity to liquor establishments and away from schools. **Assistant Planner Sexton** reported that there were no formal comments but she did speak with the owner of the tanning salon who had questions about the proposal. Councilmember Martinez asked if the customers are not allowed to smoke inside, would they purchase the product and smoke outside or take the product home. Ms. Lujan explained that this product is not considered smoking, it does not smell or create a smoke, it evaporates. Ms. Lujan was hoping her customers would be able to test the different flavors in the store. Councilmember Martinez asked how this conflicts with the stipulation that there will not be smoking in the store. Assistant Planner Sexton explained that considering this use in terms of tobacco products as being the closest use, the regulations in the City of Brighton Municipal Code do not allow smoking indoors. Councilmember Martinez asked how this will work with the regulations. Assistant Planner Sexton explained that it will only allow the retail sale of the products, not their use at the location.

Councilmember Kreutzer asked if this is considered smoking. Ms. Lujan reported that it is considered “vaping.” Councilmember Kreutzer asked if patrons will be using these products in the store and Ms. Lujan said they would not. Councilmember Kreutzer asked whether there will be other product lines related to this product, and questioned whether the size of the store will be adequate. Ms. Lujan explained that there are a variety of different products including the juice that will be sold in three (3) display cases, and an office, so this is a great space for this business. Councilmember Kreutzer asked about the juice product. Ms. Lujan explained that the e-juice is the liquid (often flavored) that goes inside the electronic cigarette. Councilmember Kreutzer asked how much these products sell for. Ms. Lujan explained that they sell for \$50.00 to \$200.00 depending on the size and the juice sells for \$7.00 to \$12.00. Councilmember Kreutzer asked how long a bottle will last and Ms. Lujan explained that it is the equivalent of a carton of cigarettes.

Mayor McLean closed the public hearing at 8:38 p.m.

Motion by Councilmember Martinez to approve Resolution 2014-34 the title of which as read by Mayor McLean, **second by Councilmember Edwards**.

Councilmember Martinez read the following conditions into the record:

1. Smoking within the building shall be prohibited.
2. Customers must be at least eighteen (18) years of age to purchase the products.
3. The sale of recreational or medicinal marijuana products shall not be permitted.
4. Approval of this conditional use application shall not run with the land and is limited to the operation of a “Tobacco Sales” establishment (A. Star Vapes, LLC) by Melissa Lujan at the location of 45 north Main Street, Unit #2, Brighton, Colorado.

Voting aye: Mayor Pro Tem Wallin, Councilmembers Baca, Edwards, Humbert, Kniss, Kreutzer and Martinez.

Voting no: Mayor McLean.

Motion passes.

Councilmember Bell abstained from voting.

C. A Resolution of the City Council of the City of Brighton, Colorado, Approving, with Conditions as Set Forth Herein, a Conditional Use for a Childcare Facility at the First Presbyterian Church Property Addressed as 420 S. 27th Avenue, Brighton, Colorado (to be Known as the '4 Seasons Early Learning Center').

Mayor McLean read the title of the Resolution into the record.

Mayor McLean opened the public hearing at 8:40 p.m. and City Clerk Natalie Hoel verified the required postings and publications (March 26, 2014 in the *Standard Blade*) for this public hearing were completed.

City Manager Esquibel introduced Planning Technician Aaron Clark.

Planning Technician Aaron Clark explained that this item is a conditional use application for the 4 Seasons Early Learning Center. The applicant is Jackie Archer with 4 Seasons Early Learning Center, the property owner is First Presbyterian Church, and the request is for a childcare center with a maximum of 44 full-time children and 8-10 staff members within the existing classrooms at the existing building on Church property. The property address is 420 south 27th Avenue and the childcare facility will operate within the existing building that 4 Seasons will lease from the Presbyterian Church. The property is zoned First Presbyterian Church PUD and this PUD specifies that a childcare facility requires a conditional use approval.

The notice of hearing was mailed to property owners within 300' of the subject property and published in the *Brighton Standard Blade*, and a sign was posted on the property on March 26, 2014. Staff has not received any formal comments regarding this request.

A conditional use hearing is required by the PUD that governs this property, however, the existing structure was constructed for use as a child care center and was used for that purpose for many years. The Church operated a child care center at this location until 2012. Child care facilities often exist along with Church buildings and are contemplated in the Land Use Code as appropriate accessory uses. A state license to operate a childcare facility will be required.

Staff finds that the conditional use application complies with Comprehensive Plan and the Land Use Code requirements for the conditional use application, and recommends approval with certain conditions. A draft Resolution has been prepared with the following three (3) conditions:

- Facility shall comply with local, state and federal requirements for the operation of a childcare facility.
- Pick-up and drop-off of children shall only occur in the parking lot of the Church or childcare center.
- A written parking agreement shall exist permitting 4 Seasons to use the Church parking lot.

Mayor McLean asked if the applicant would like to add anything to the presentation.

Jackie Archer, 715 south 8th Avenue, Brighton, 80601. Ms. Archer explained that she has been in the childcare field for twenty-six (26) years and worked in the school district for nineteen (19) years. Ms. Archer saw an opportunity to use the empty childcare facility. Ms. Archer is excited to open the facility and provide a strong foundation for early childhood care and education in Brighton.

Mayor McLean asked if anyone in the audience had questions for the applicant. There were none.

Mayor McLean asked if anyone in the audience wished to speak on behalf of the request.

Joe Henderson, 823 west 124th Drive, Westminster. Mr. Henderson is a member of the First Presbyterian Church and has been working for the past six (6) months to get this rental agreement together and is excited for this business to open.

Mayor McLean asked if anyone in the audience wished to speak against the request. There were none.

Mayor McLean asked if any correspondence had been received. There was none.

Mayor McLean asked if there were questions from City Council.

Mayor Pro Tem Wallin asked if the activities will be limited to the childcare center, or will the Church be used also? Ms. Archer explained that it will only be the childcare building.

Councilmember Martinez asked if the pick-up and drop-off in the parking lot will interfere with the Church, and Ms. Archer explained that it would not.

Mayor McLean asked what the hours of operation will be. Planning Technician Clark reported that the hours of operation are Monday through Friday, 6:00 a.m. to 6:30 p.m.

Mayor McLean closed the public hearing at 8:50 p.m.

Motion by Mayor Pro Tem Wallin to approve Resolution 2014-35 the title of which as read by Mayor McLean, **second by Councilmember Bell**.

Mayor Pro Tem Wallin read the following conditions into the record:

1. Facility shall comply with local, state and federal requirements for the operation of a childcare facility.
2. Pick-up and drop-off of children shall only occur in the parking lot of the Church or childcare center.
3. A written parking agreement shall exist permitting 4 Seasons to use the Church parking lot.

Voting aye: All present.

7. ORDINANCES FOR FINAL CONSIDERATION

8. RESOLUTIONS

A. A Resolution of the City Council of the City of Brighton, Colorado Accepting the Recommendation of the Historic Preservation Commission and Appointing Wayne Scott to the “Emeritus” Position on the Historic Preservation Commission; Specifying the Term for such Appointment; and Setting Forth Other Details Related Thereto.

Mayor McLean read the title of the Resolution into the record.

Motion by Mayor McLean to approve Resolution 2014-36 the title of which as read by Mayor McLean, **second by Councilmember Edwards**.

Voting aye: All present.

9. UTILITIES BUSINESS ITEMS

Ordinances

Resolutions

A. A Resolution Providing Funds for a 2014 Supplemental Budget Appropriation in the Amount of Forty Seven Thousand Seven Hundred and Fifty Dollars (\$47,750) for the Watersmart Pilot Program.

Mayor McLean read the title of the Resolution into the record.

City Manager Esquibel introduced Assistant Utilities Director Sarah Borgers, Acting Utilities Director and Chief of Police Clint Blackhurst and Finance Director Dan Frelund.

Assistant Utilities Director Sarah Borgers explained that this item is regarding the City's water conservation program. In the current conservation program there are several options for residents including the "garden in a box" program, a seminar series, appliance rebates, water audit program, public events and school presentations. Staff would like to improve City services by meeting the customers on a more personal level, and speak with them regarding their individual water usage. Staff hopes that the Watersmart Pilot Program will help with those efforts by engaging 4000 customers that are chosen for the program. One benefit is the improved relationship with the customer, but it will also help staff create measurable goals that can be logged, and will hopefully result in improved water conservation. Several types of data including meter reads, weather and geographical data are collected and entered into the program, generating a comparison between one person's data and similar households. Each participating customer will receive a report which indicates how well a person is doing compared to their neighbors, compares present usage to last year's usage, and provides other useful information. There is also a utility dashboard for staff purposes which makes it easier to answer questions from customers and be able to provide them with the best information to help the customer with their conservation efforts. Customers will also be able to receive this information by email or can log into a customer Web-portal, to enhance the information that is provided to them and receive more specific conservation opportunities. Staff will have access to the same utility dashboard which will allow staff to interact more with customer data, and to help a customer understand their bills better. Other benefits include increased customer satisfaction and reduction in water consumption. This is provided through grant funding through the Colorado Water Conservation Board (CWCBC) and all of the money that the City spends is fully reimbursable. The City will also provide in-kind services with staff time.

Finance Director Dan Frelund reported that there is a budget Resolution attached with the approval of the program in the 2014 budget to allow for the recording of the revenue for this grant and the expenditures for the program.

Assistant Utilities Director Borgers answered questions from Council regarding:

- The expected recoup of \$47,000.00 in reduced use.
- The continued use of the program after the initial pilot program is over.

Motion by Councilmember Baca to approve Resolution 2014-37 the title of which as read by Mayor McLean, **second by Councilmember Humbert.**

Voting aye: All present.

B. 2014 Comprehensive Rate and Fee Study for Utility Services.

Mayor McLean read the title of Items 9B(1) and 9B(2) into the record.

Assistant Utilities Director Sarah Borgers explained that staff is recommending engaging a consulting firm for the 2014 Comprehensive Rate and Fee Study. Last year City Council adopted the Utilities Department Business Plan and creating a Vision Statement for Utilities. At that time staff came up with nine (9) key goals for the department including:

- Investing in essential infrastructure.
- Conserving our water resources.
- Optimizing operations and maintenance.
- Planning and growing responsibly.
- Protecting our environment.
- Building and training our workforce.
- Providing high quality of service.
- Enhance customer understanding and support.
- Improving financial viability.

The goal of the rate study is to make sure the Department is financially able to meet the nine (9) goals of the Business Plan, promote fair and equitable rates and fees for all customer categories, and to promote and incentivize water conservation. Staff asked for qualified firms to bid on completing the 2014 Comprehensive Fee and Rate Study for Utility Services, as outlined. Five (5) firms submitted proposals and four (4) firms were interviewed. The selection committee consisted of staff from Utilities, Finance, Procurement, Budget and a fifth member serving as an advisor from a local Utility that is familiar with this process. Each firm was evaluated by their interview, the degree to which the proposal meets or exceeds the terms of the RFP, responsiveness to the needs of the City, estimated time to complete and scope of services offered, responsibility of the proposing firm and its experience in dealing with municipal governments in projects of similar size, scope and nature, the results of reference checks, and the proposed fees. The committee unanimously chose Willdan Financial Services because they conveyed a good understanding of the project and its goals, had a requisite ability and enthusiasm to complete the project, they communicate well verbally and work with an interactive software making it easy to see changes or recommendations, their schedule is in line with the RFP requirements and they are cost competitive. Staff recommends Willdan Financial to complete the Comprehensive Rate Study.

Finance Director Dan Frelund explained that a budget amendment is being proposed in the 2014 budget. There are funds sufficient in the fund balance to cover these expenses. 10% has been added to cover any additional functionality that may occur during the project phase. The funds are coming from 45% in the Water Fund, 45% in the Sewer Fund and 10% in the Storm Drainage Fund. Sufficient funds are available to cover the costs.

Assistant Utilities Director Borgers reported that staff recommends approval of both Resolutions.

Assistant Director Borgers and **Director Frelund** answered questions from Council regarding:

- The City accepting the proposal of Willdan Financial Services.
- Other cities that this firm has done work for in the past.
- The location of Willdan Financial Services.
- The length of time needed to complete the study.
- The latest the contract will be awarded.
- An example of additional functionality.

1. **A Resolution Providing Funds for a 2014 Supplemental Budget Appropriation in the Amount of Sixty Three Thousand Eight Hundred Dollars (\$63,800) for the 2014 Comprehensive Rate and Fee Study for Utilities Services.**

Motion by Councilmember Edwards to approve Resolution 2014-38 the title of which as read by Mayor McLean, **second by Councilmember Baca.**

Voting aye: All present.

2. **A Resolution of the City Council of the City of Brighton, Colorado, Acting by and Through its Utilities Enterprise, Accepting the Proposal of Willdan Financial Services and Awarding the Contract for the 2014 Comprehensive Rate and Fee Study for Utility Services, RFP #14-003, in an Amount not to exceed Fifty Eight Thousand Dollars (\$58,000.00), and Authorizing the Mayor to sign the Contract on Behalf of the City.**

Motion by Councilmember Baca to approve Resolution 2014-39 the title of which as read by Mayor McLean, **second by Councilmember Kreutzer.**

Voting aye: All present.

10. GENERAL BUSINESS

11. REPORTS

A. By the Mayor – Mayor McLean received a thank you from Lisandra Gonzales for the Proclamation and a donation to CASA. Anthony Graves from the City of Denver thanked everyone for their hospitality and the tour of the City. Mayor McLean received a thank you from the Adams County Education Consortium for the City's participation and support of the Backpacks to Briefcases program. Mayor McLean attended the E-470 Board meeting. Friday night was the Hispanic Advisory Council dinner and auction and several students were given scholarships. Mayor McLean attended the dedication of the horseshoe pits at Montoya Park for Eagle Scout Dylan Gagon. There will be another dedication for Eagle Scout David Diaz of his horseshoe pit project at Donnelson Park. There was a great luncheon on Saturday for the dance group Remix from Germany. Mayor McLean attended the dedication of the Brighton High School Library and Resource Center for Joan Kniss. Mayor McLean attended the awards ceremony for DECA at the Candlelight Dinner Playhouse and also attended a session of the Airport Coordinating Committee.

B. By Department Heads – Economic Development Director Robert Smith reported that there will be a luncheon on May 8th at the Armory for an open house for the Oil and Gas Industry to answer any questions. There will be a joint meeting with the Economic Development Board and City Council on May 15th at Lonestar Steakhouse.

Human Resources Director Karen Borkowski reminded City Council that they will have to observe the Municipal Court Judges and the Prosecuting Attorney for their annual evaluation.

City Clerk Natalie Hoel reported that the City of Brighton Relay for Life team will be having a cupcake fundraiser tomorrow in the lobby at City Hall.

C. By the City Attorney – No report.

D. By the City Manager – City Manager Esquibel reminded City Council that the 3E's pancake breakfast is tomorrow at 7:00 a.m. at the Eagle View Adult Center. United Power will be hosting their annual meeting tomorrow at 5:30 p.m. The dance group Remix from Germany will be performing Saturday evening at 7:00 p.m. There is a Metro Sewer tour on May 6th at 5:30 p.m.

12. REPORTS BY COUNCIL ON BOARDS & COMMISSIONS

Councilmember Bell attended the Highway 85 Coalition meeting and they spoke about new intersections that involve Brighton and Greeley. The Coalition is working on a CD that will explain the history of northeast Colorado as one travels on Highway 85. There will be a sign in the future at the Brighton Gateway introducing the Centennial Highway Historic Tour.

Councilmember Humbert attended the dedication of the Brighton High School Library and noted that Joan Kniss contributed to a tradition of excellence at Brighton High School.

Councilmember Baca congratulated the new fire inspector at the Fire District. Councilmember Baca will not be attending the United Power meeting; instead she will be attending the DRCOG meeting.

Mayor Pro Tem Wallin reported that the SPEAK Week is underway and will reach 5000 students this year. The 5k walk will kick off at 1:00 p.m. Saturday at Brighton High School.

Councilmember Edwards attended the program on Xeriscaping sponsored by the City and it was a great event with a lot of good information. The Senior Advisory Board will be receiving an outdoor art donation with the approval of the Arts Council and City Council which will be placed in the park at the Eagle View Adult Center. There will be a demonstration of the Buffalo Soldiers at the Eagle View Adult Center which is a free event on June 7th at 12:30 p.m.

Councilmember Kreutzer attended the DECA Banquet on Sunday and the Library Dedication for Joan Kniss and it is an honor to be her colleague. The Remix concert was a thrill. Councilmember Kreutzer had the opportunity to judge the Arbor Day posters and there were many good ideas. On April 2nd a group of delegates from the Sister Cities met at the State Capital and the Governor proclaimed April 2nd as Sister Cities International Day in Colorado and Councilmember Kreutzer presented a Proclamation to Mayor McLean and the City. Councilmember Kreutzer met with eight (8) students that will represent Brighton as the ambassadors in the Sister Cities program in Ziebiec, Poland. Brighton is celebrating 20 years as a Sister City with Ziebiec and there will be several people attending the celebration in Poland.

Councilmember Kniss thanked everyone for their kind words. Remix will not disappoint and Councilmember Kniss encouraged everyone to purchase tickets to the show at the Armory. The Capital Facility Fee Foundation continues to build partnerships between the School District, developers and the City. Councilmember Kniss thanked the City of Brighton for being the strongest supporter of the Capital Facility Fee Foundation which provides funding for capital improvement within the district. The Brighton Legacy Foundation will be sponsoring a Disc Golf Tournament on May 31st at Benedict Park, a Kickball Tournament on June 21st and there will be a Historic Walking Tour of Brighton in September.

13. EXECUTIVE SESSION

14. ADJOURNMENT

Motion by Councilmember Martinez, second by Councilmember Humbert to adjourn at 9:46 p.m.

Voting aye: All present.

CITY OF BRIGHTON, COLORADO

By: _____

DRAFT

Richard N. McLean, Mayor

ATTEST:

Natalie Hoel, City Clerk

Approval Date

**City Council
Agenda Item
2B**

**MINUTES OF THE REGULAR MEETING OF THE CITY COUNCIL
FOR THE CITY OF BRIGHTON, COUNTY OF ADAMS, STATE OF
COLORADO, HELD ON MAY 6, 2014.**

1. CALL TO ORDER

Mayor Pro Tem Wallin called the meeting to order at 7:03 p.m.

A. Pledge of Allegiance to the American Flag.

Ethan Thomas-Gonzales led the recitation of the Pledge of Allegiance to the American Flag.

B. Roll Call.

Council present: Mayor Pro Tem Wallin, Councilmembers Baca, Bell, Edwards, Humbert, Kniss, and Martinez.

Council absent: Mayor McLean and Councilmember Kreutzer (excused).

2. CONSENT AGENDA

A. Approval of the March 4, 2014 City Council Minutes.

B. Approval of the March 18, 2014 City Council Minutes.

C. Approval of the March 25, 2014 City Council Minutes.

City Clerk Natalie Hoel read the Consent Agenda into the record.

Motion by Councilmember Kniss to approve the Consent Agenda as presented, **second by Councilmember Edwards.**

Voting aye: All present.

3. APPROVAL OF REGULAR AGENDA (Council will take a short break between 8:30–9:00 p.m.)

City Manager Manuel Esquibel asked that the Regular Agenda be amended to amend Item 10A.

Motion by Councilmember Martinez to approve the Regular Agenda as amended, **second by Councilmember Edwards.**

Voting aye: All present.

4. CEREMONIES

A. Recognition of Ethan Thomas-Gonzales.

Mayor Pro Tem Wallin read the Certificate of Recognition into the record and presented it to Ethan Thomas-Gonzales.

Ethan Thomas-Gonzales explained his “Buddy Bench” project to City Council.

Motion by Councilmember Martinez, second by Councilmember Humbert to accept the Certificate of Recognition.

Voting aye: All present.

B. National Kids to Parks Day Proclamation.

Mayor Pro Tem Wallin read the Proclamation into the record and presented it to Recreation Manager Jeffrey Hulett.

Recreation Manager Jeffrey Hulett gave a history of the National Kids to Parks Day and explained the program that will take place on May 17, 2014 at Brighton Park.

Motion by Councilmember Humbert, second by Councilmember Baca to approve the Proclamation.

Voting aye: All present.

C. Archeology and Historic Preservation Month Proclamation.

Mayor Pro Tem Wallin read the Proclamation into the record and presented it to representatives from the Historic Preservation Commission.

Historic Preservation Commission Chairman Joseph Burt thanked City Council and gave a brief presentation on the History of Historic Preservation and historic sites in Brighton.

Motion by Councilmember Bell, second by Councilmember Humbert to approve the Proclamation.

Voting aye: All present.

D. Recognition of Graduating Youth Commission Members.

City Manager Manuel Esquibel introduced Youth Services Manager Tawnya Russell.

Youth Services Manager Tawnya Russell introduced the four (4) graduating seniors from the Youth Commission and gave a brief history of the work they have done for the Youth Commission and the City of Brighton.

Mayor Pro Tem Wallin thanked the students for their dedication to the City of Brighton and wished them well in the future.

E. Introduction of New Employees and Promotions by Human Resources Director Karen Borkowski Surine.

Human Resources Director Borkowski introduced Utility Maintenance Worker Tyler Jones, Utility Maintenance Worker John Wakeman, and Utility Maintenance Worker Carlos Cruz and gave a brief history of their background.

Chief of Police and Acting Utilities Director Clint Blackhurst introduced several employees that have recently been promoted and gave a brief history of their background. These promotions include Assistant Director of Utilities Sarah Borgers, Wastewater and Utility Shop Supervisor Kim Schoen, Water Maintenance Lead Phil Flores, Wastewater Maintenance Lead Scott Riley, Meter Reader Lead Michael Sexton, and Wastewater Lead Ernesto Cruz.

Mayor Pro Tem Wallin and **City Council** welcomed the new employees to the City of Brighton and congratulated the newly promoted employees.

5. **PUBLIC INVITED TO BE HEARD ON MATTERS NOT ON THE AGENDA** (Speakers limited to five minutes)

Vicky Snyder, 222 Tall Spruce Circle, Brighton. Ms. Snyder introduced herself to Council and announced that she will be running for House District 56.

6. **PUBLIC HEARINGS**

7. **ORDINANCES FOR FINAL CONSIDERATION**

A. An Ordinance of the City of Brighton City Council Approving the Designation of the Former Senior Center (575 Bush Street) as a Local Historic Landmark; Setting Forth Certain Findings in Support of said Designation; Authorizing the Inclusion of the Property in the Brighton Register of Locally and Designated Historic Landmarks and Districts; Instructing the City Manager or his Designee to Notify the Owner of the Property of its Obligations and Restrictions Associated with the Designation; and Setting Forth Other Details Related Thereto.

Mayor Pro Tem Wallin read the title of the Ordinance into the record.

City Manager Esquibel explained that this is the final reading of this Ordinance and there have not been any changes since first reading. City Manager Esquibel reported that the vote on this Ordinance is only to determine whether this building can be designated as a local historic facility. During discussions by the City Council of this facility it became apparent that other issues have come into light including costs associated with the maintenance of this facility and the proposed uses. These are important aspects for Council to consider but they are not related to this Ordinance. Eventually Council will help decide what this building will become.

The Historic Preservation Commission (HPC) was directed to move forward with research to determine if this building could be designated as a historic building. The regulations that define this issue are very strict at the local and State level and the HPC has spent a lot of time to determine if this building does or does not meet those qualifications. There has also been dialogue relating to this facility and the overall goal of what the City does with this building, and that should be considered when looking at the long term use of the building. There is confusion regarding whether the Council would like to continue to own this facility and the costs and maintenance associated with that.

City Manager Esquibel feels that a vote ‘yes’ or ‘no’ does not mean that the HPC has not done what Council asked them to do. Staff recommends at this time to bring the entire issue regarding this facility back to a Study Session for further discussion.

Motion by Councilmember Edwards to suspend action on this item for further discussion, **second by Councilmember Kniss.**

Several Councilmembers expressed their concern regarding the passage or continuance of this Ordinance.

Wayne Scott, 274 South 3rd Avenue. Mr. Scott explained that he feels this is one of the top five (5) historic buildings in the City and feels that saving forgotten facilities like the Armory or the Bromley/Hishinuma Farm in the City is important to its history.

Voting aye: Councilmembers Baca, Bell, Edwards, and Kniss.

Voting no: Mayor Pro Tem Wallin, Councilmembers Humbert and Martinez.

Motion passes.

8. RESOLUTIONS

A. A Resolution of the City Council of the City of Brighton, Colorado, Accepting the Bid of H.W. Houston Construction and Awarding the Contract for the Renovation of the Restrooms at City Hall Building to meet ADA Requirements Through a Community Development Block Grant (CDBG), Bid #14-016, in an Amount not to exceed Three Hundred Twenty Four Thousand Two Hundred Dollars (\$324,200.00), and Authorizing the Mayor to Sign the Contract on Behalf of the City.

Mayor Pro Tem Wallin read the title of the Resolution into the record.

City Manager Esquibel introduced Procurement and Contracts Manager Sharon Williams and Facilities Project Manager Bob Brady.

Procurement and Contracts Manager Sharon Williams explained that this Resolution is to award the bid for the City Hall restroom renovation. In 2013 an opportunity became available to apply for a Community Development Block Grant (CDBG) and those funds will be used to upgrade the restrooms to meet ADA requirements. The grant was approved so all of the restrooms will be renovated and the restrooms on the lower floor will be expanded to include an ADA approved shower. Formal bids were received on May 17, 2014; eight (8) firms attended the mandatory pre-bid conference and two (2) firms submitted bids for this project. Since this is a CDBG grant staff is required to work closely with Adams County Neighborhood Services and their compliance coordinators to comply with all requirements of the grant. Sufficient funds have been approved in budget. This project includes design work, HVAC work and electrical services. Staff recommends awarding this bid to the most responsible and responsive firm of H.W. Houston Construction in the amount of \$324,200.00.

Procurement and Contracts Manager Sharon Williams and Facilities Project Manager Bob Brady answered questions from Council regarding:

- The number of restrooms that will be renovated.
- The reason for the shower in the lower level restrooms.
- Any insight why only two (2) out of eight (8) firms submitted bids.
- Any work this company has done for the City previously.

Motion by Councilmember Martinez to approve Resolution 2014-40 the title of which as read by Mayor McLean, **second by Councilmember Edwards.**

Voting aye: All present.

B. A Resolution Establishing and Adopting a Grants Management Policy for the City of Brighton, Colorado.

Mayor Pro Tem Wallin read the title of the Resolution into the record.

City Manager Esquibel introduced Internal Finance Advisor Bernadette Kimmey and Assistant to City Manager Linda Gonzales.

Internal Finance Advisor Bernadette Kimmey explained that this item will formalize a Grant Policy and Procedures to guide City employees. The Community Development Block Grant (CDBG)

is a good example of this. The purpose of this Grants Policy and Procedures is to develop, implement and maintain meaningful grant oversight and coordination for the City, thereby increasing grant related revenue, limiting the City's exposure to grant related legal liability and improving the efficiency and impact of programs and services funded through grants. This Policy will also standardize grants management citywide, provide direction to departments in grant forecasting and budgeting, facilitate the efficient management of grants and ensure all departments receive proper training to effectively use the grant management system. The City has entered into an agreement with *eCivis*, a dynamic grant management system. *eCivis* has assisted the City in writing the Grants Policy and Procedures. The system includes a research function for Federal, State and foundation grant availability, a tracking and reporting function for grant management with centralization and digitization of the entire grants process. City departments will be able to research, select, apply for, coordinate the acceptance of and implement grant funded projects. In conjunction with the development of the Grants Policy and Procedures a Grants Development Office was created within the City Manager's Office to monitor grants which is overseen by Linda Gonzales. An annual report will be presented to City Council of all grants awarded for the previous year. A Grants Oversight Committee was formed to oversee and administer the entire grants program of the City and a Grants Committee was created with representatives from each department to research, apply for and implement all grants awarded. The annual report to City Council of all grants awarded for 2013 will be presented in the near future.

Assistant to the City Manager Linda Gonzales explained that under the City Manager's supervision the Oversight Committee consisting of Assistant to the City Manager Gonzales, Internal Finance Advisor Kimmey and Finance Director Dan Frelund they will guide all City employees to not only search for grants but also to be sure that if there is a matching grant that Finance is aware so the budget is prepared properly. This is a very sophisticated management as well as the grant research software that will be used.

Finance Director Dan Frelund explained that this is a vital function of the City and grants come with a lot of strings. Although a grant might be awarded and used it is imperative that there are policies and procedures in place to make sure all of the requirements of the grant were completed so there will not be any issues when the auditors come in to verify everything was handled properly. Part of the grants management includes recording the grants, accounting for the grant expenditures and reporting. There will be a grants status report on a monthly basis so there will be accountability and transparency. **City Manager Esquibel, Finance Director Frelund, Internal Finance Advisor Kimmey, Assistant to the City Manager Gonzales and City Attorney Margaret Brubaker** answered questions from Council regarding:

- The amount of money in grants received in the last calendar year.
- These new policies and procedures stifling an already successful grants process in the City.
- Any other departments included in the Oversight Committee.
- Assistant to the City Manager Gonzales giving up any of her administrative duties to take on this position.
- The status of the grant at North Elementary since no work has been done at this time.
- Clarification of the conflict of interest portion of the City Code of Ethics.
- The City ever having not accepted a grant that was awarded.
- A program to find available grants for the City.

Motion by Councilmember Kniss to approve Resolution 2014-41 the title of which as read by Mayor McLean, **second by Councilmember Edwards.**

Voting aye: All present.

C. Resolution Changing and Ratifying Certain Fees and Charges Assessed by the City of Brighton.

Mayor Pro Tem Wallin read the title of the Resolution into the record.

City Manager Esquibel introduced Finance Director Dan Frelund.

Finance Director Dan Frelund explained that these are revisions to the Annual Fee Schedule that was adopted at the end of 2013. There are things that change throughout the year and staff will recommend that the Fee Schedule be amended. Parks and Recreation is requesting an amendment to include new fees for the Pet Cemetery program and Finance is asking for new fees for the Credit Card Convenience (service) Fees and Electronic Check Payments for Utility Billing and Sales Tax Licensing. All fees should represent as closely as possible the actual cost incurred for the various services provided.

The fees for the Pet Cemetery 4' x 2' space are as follows: Burial Site 2014 resident rate \$100.00, 2014 non-resident rate \$150.00; perpetual care 2014 resident and non-resident rate \$50.00; and open/close 2014 resident rate \$25.00, 2014 non-resident rate \$50.00. The Pet Cemetery will be located at Elmwood Cemetery in the area west of the office.

Parks and Recreation Director Gary Wardle explained the Pet Cemetery program including where the Pet Cemetery will be located. Director Wardle reported that it is becoming a more common practice for people to bury the pet members of their family. If these fees are approved staff will begin advertising this service. Director Wardle answered questions from Council regarding:

- The ability to bury birds or other animals at this location.

Finance Director Frelund explained that the Credit Card Convenience (service) Fee will be charged for Utility payments and Sales Tax licensing. The City currently absorbs the convenience fee for utility payments if a customer pays with a credit card which amounts to approximately \$60,000.00 per year. Staff is in the process of rolling out the new utility billing process which will give better access to customers to pay their bills electronically. Customers can also make payments via e-check which gives the City the authority to take the funds directly from the customer's account and there are fees associated with that process as well. The City can absorb these fees as they have done in the past or a convenience fee can be assessed, the credit card processor will collect that fee and they will retain that fee and pay all of the bank fees.

For example, if a customer pays a \$60.00 utility bill the City will receive the full \$60.00; the convenience fee would be assessed to the customer as a separate line item and collected by the processor. This would be the same process for e-check payments but at a lower amount because the credit card companies are not involved. In the banking system, money moves through the process and touches various entities and each of these entities has their own fees. The billing and tracking of those fees is very complicated. Staff is proposing that the customer pay the credit card processing fee related to utility payments. There will be a \$2.95 fixed fee assessed for making a payment up to \$150.00, if a bill was more than \$150.00 the customer would pay the \$2.95 fee twice. An alternative to paying with a credit card is the e-check option which is more affordable with a fee of \$0.95. The customer will make an online payment and can avoid the credit card convenience fee and avoid paying for postage and mailing the payment. Staff does not want to discourage customers from paying their bills electronically. The sales tax licensing and tax return payments are currently being mailed in by vendors. The new system will allow sales tax vendors to make their payments online and if the city does not pass on the fees to the vendors, this will be a new cost that the City will have to absorb. Staff recommends that the City implement the convenience fee and e-check fee for sales tax as well. Director Frelund answered questions from Council regarding:

- The actual cost of the e-check fee charged by the banks.
- The cost to physically process a check or payment.
- The three (3) options for customers to pay their bills to the City.
- The difference in charges for customers currently on Express Bill Pay.
- The fees being listed on the customer's statement.

- The convenience fees only being assessed for utility payments and sales tax.
- The number of e-checks received each month.
- The amount of fees absorbed by the City each year being \$80,000.00 or \$60,000.00.
- The City currently receiving lump sum payments from several individuals from banks.
- Customers attached to a lump sum payment being assessed any fees.

Motion by Councilmember Bell to approve Resolution 2014-42 the title of which as read by Mayor McLean, **second by Councilmember Edwards.**

Voting aye: All present.

D. A Resolution Amending Certain Accounts in the General Fund, and Appropriating Money for Expenditure.

Mayor Pro Tem Wallin read the title of the Resolution into the record.

City Manager Esquibel introduced Finance Director Dan Frelund.

Finance Director Dan Frelund explained that this Resolution will approve some proposed amendments to the 2014 budget and these amendments will appropriate monies for the general fund balance. The 2013 general fund revenue expenditures totaled approximately 1.9 million dollars which resulted primarily from one time use tax permits, fees and revenues from significant commercial projects. Combining this with the 2012 unassigned general fund balance of approximately 1.9 million dollars and after fully funding the City's required reserve funds there remains approximately 1.7 million dollars for supplemental appropriation. The Department Directors have reviewed and identified the staffing, operating and capital needs that require additional funding which includes:

Expenditures:

Transfers/Reserves	475,000
Personal Services:	
Market Rate Adjustment	111,000
2014 Personnel Staffing	353,000
Operating Expenses	459,000
Capital Expenses	<u>302,000</u>
Total Expenditures	1,700,000

At this time staff is looking at setting these monies aside for these anticipated purposes. **City Manager Esquibel** and **Director Frelund** answered questions from Council regarding:

- The 2013 food sales tax rebate fund automatically being put in reserves.
- How close is staff to presenting the 2015 budget to Council and when will it be adopted and approved.
- The number of the identified positions can be worked into the 2015 budget or are they in essence new positions in 2015.
- The amount allocated for personnel, staffing and operating expenses.

Motion by Councilmember Martinez to approve Resolution 2014-43 the title of which as read by Mayor McLean, **second by Councilmember Baca.**

Voting aye: All present.

E. A Resolution of the City Council of the City of Brighton, Colorado, Authorizing the Submittal of a Grant Application to the NRD (Natural Resource Damages) Trustees of the Northeast Greenway Corridor in the Amount not to Exceed Two Million Dollars (\$2,000,000.00), for the Northeast Greenway Corridor Recovery Fund Grant Application

**Entitled “Ken Mitchell Open Space and Platte River Wildlife Habitat Restoration” Project;
and Authorizing the City Manager to Execute the Grant Application.**

Mayor Pro Tem Wallin read the title of the Resolution into the record.

Parks and Recreation Director Gary Wardle explained that this is an additional grant request. City Council supported this grant application two (2) years ago. The funding is now in place so staff is ready to move forward with this grant application and fund the project. This is through the Northeast Greenway and Natural Resource Damages from the Rocky Mountain Arsenal paid by Shell Oil and the Army Corps of Engineers. There is 17.4 million dollars available for the Northeast Greenway Corridor Group to apply for and the City’s share will be to apply for a 4 million dollar grant of which 2 million dollars will be matched by the City so the total grant is 2 million dollars. This work will be accomplished in 2016 and 2017 after the mining of Ken Mitchell Lakes is completed and the Metro Sewer facility is built. This is not part of the trail project; it is a habitat restoration project. Ready Mixed is willing to donate the Eichelman house which is located in this area. Staff would propose to use some of these funds to purchase sixteen (16) acres around the Eichelman house as habitat restoration and an entrance off of old Brighton Road to the property. This land will be mined and reclaimed and possibly sold for commercial development and staff would like to preserve the main entrance into the Eichelman house for habitat and open space and these funds can be used to purchase that land.

An additional project would include habitat restoration improvements for a fish habitat and improvements to the river. The mining operation must complete some re-vegetation as part of their mining permit, but they are required to only put in grass seed. Staff is proposing to bring in trees, shrubs and additional habitat so it will be a really nice wildlife area when completed. The area to be completed will be north of the Erger’s property to the edge of Cell 3 through the Ken Mitchell area which is approximately six hundred (600) acres. Metro Sewer will be completing some of this restoration along their trail corridor but the City will be restoring other areas not covered by the mining areas or Metro Sewer. Cell 2 was to be used for water storage but will now be a nice wetland habitat. The City will be applying for Adams County Open Space Grants and other grant sources to help with the City’s 2 million dollar matching portion of this grant. A contract should be received from the State through the Natural Resources Damages and the contract will identify the timeframe in which the City must use the money. Director Wardle answered questions from Council regarding:

- Where the 600 acres are located.
- Whether or not the City owns the land.
- Wildlife intended to be in the area and trails.
- The length of time Director Wardle has been a designee for the Northeast Greenway Corridor.

Motion by Councilmember Humbert to approve Resolution 2014-44 the title of which as read by Mayor McLean, **second by Councilmember Baca.**

Voting aye: All present.

9. UTILITIES BUSINESS ITEMS

Ordinances

Resolutions

10. GENERAL BUSINESS

- A. Consider Canceling the May 20, 2014 City Council Meeting and Scheduling a Special City Council Meeting on May 27, 2014 at 7:00 p.m. for the Intergovernmental Agreement with Commerce City for Victim Services.**

City Manager Esquibel asked if Council would consider canceling the meeting on May 20, 2014 as there is only one (1) item on the agenda and scheduling a Special Meeting on May 27, 2014 to meet the Charter requirement of having two (2) meetings per month. The special meeting will be held to consider an IGA with Commerce City for Victim Services.

Motion by Councilmember Humbert, second by Councilmember Martinez to approve canceling the May 20, 2014 City Council Meeting and scheduling a Special City Council Meeting on May 27, 2014 at 7:00 p.m. for the Intergovernmental Agreement with Commerce City for Victim Services.

Voting aye: All present.

11. REPORTS

A. By the Mayor – No report.

B. By Department Heads – **Assistant City Manager of Development Marv Falconburg** and **City Manager Intern Murphy Robinson** updated City Council on the Georgetown University Energy Prize which will be awarded to the most innovative community in the United States regarding energy efficiency. This is an exciting opportunity and will help to make the City of Brighton and its citizens a more sustainable community.

Assistant City Manager of Development Marv Falconburg reported that Meritage Homes have some new models and will be having a grand opening in The Preserve.

Streets and Fleet Director Joe Smith reported on the Trash Bash that was held. There were a total of 500 loads dumped over the two (2) day event. There will be another Trash Bash in September.

Parks and Recreation Director Gary Wardle reported that the Resolution that was approved by Council in September to name the Highway 85 pedestrian overpass as the Amelia Hamilton Overpass will be voted on in the Legislature tomorrow. There will be some students doing graffiti on the restroom walls at Benedict Park over the weekend and it will be painted over on Monday.

C. By the City Attorney – No report.

D. By the City Manager – **City Manager Esquibel** reported that the May 27, 2014 Study Session will be a joint session with the Planning Commission relating to Oil and Gas Regulations. There will be a tour of an oil and gas facility at 5:30 p.m. that evening.

12. REPORTS BY COUNCIL ON BOARDS & COMMISSIONS

Councilmember Bell reported that the Help for Homes was a great event and Councilmember Bell attended the Highway 85 Coalition meeting.

Councilmember Humbert attended the ADCOG dinner and it was a great event. Councilmember Humbert attended the heArt of Brighton meeting and is making plans for the Brighton Blues Blast on May 30th and 31st. Saturday was the Help for Homes, Friday was the Almost Home dinner where they raised \$19,000.00. Friday was the Law Day Breakfast and a 10 year old student from Westridge elementary received the citizen award for helping to save his younger siblings. Friday was the senior

ditch day for Brighton High School and the Special Olympics will be this Saturday at Brighton High School.

Councilmember Baca thanked staff and City Manager Esquibel for all of the projects that have been completed recently. Councilmember Baca attended the Youth Commission SPEAK Walk and was in attendance to receive the Gold Award for the Libretto project on behalf of the Housing Authority. The joint meeting with School District 27J and Commerce City was informative. Brighton hosted the ADCOG dinner and it was a great event and Corey Ciocchetti was an outstanding speaker. Director Smith did a great job with the Trash Bash and this event is a great service for the community.

Councilmember Edwards reported on the City Council Help for Homes team and thanked the Eagle View Adult Center for the lunches they provided to the volunteers.

Councilmember Kniss commended the Youth Commission for SPEAK Week and thanked the Parks and Recreation staff and the Brighton High School senior class for their work on the Memorial Trail for senior ditch day.

Mayor Pro Tem Wallin reminded everyone that there will be a ribbon cutting of the horseshoe pit at Donnelson Park.

13. EXECUTIVE SESSION

For a Conference with the City Attorney for the Purpose of Receiving Legal Advice on Specific Legal Questions under C.R.S. Section 24-6-402(4)(b) Regarding Water and Streets.

Motion by Councilmember Martinez, second by Councilmember Humbert to go into Executive Session at 10:09 p.m.

Voting aye: All present.

14. ADJOURNMENT

Motion by Councilmember Martinez, second by Councilmember Baca to adjourn at 10:11 p.m.

Voting aye: All present.

CITY OF BRIGHTON, COLORADO

By: _____
Kirby Wallin, Mayor Pro Tem

ATTEST:

Natalie Hoel, City Clerk

Approval Date

**City Council
Agenda Item
7A**

HUMAN RESOURCES OFFICE

Reference: ***2014 Market Rate Adjustment***

To: Mayor Richard N. McLean and Members of City Council
Through: Manuel Esquibel, City Manager



Prepared By: Karen Borkowski Surine, Human Resources Director

Date Prepared: May 30, 2014

PURPOSE

To approve an Ordinance establishing Market Rate Adjustments for City of Brighton regular and part-time benefitted employees effective with the pay period beginning August 3, 2014.

BACKGROUND

In 2003, the City Council approved the goal of getting City Staff salaries to 100% of median market. With many years of an economic downturn, City staff has been working to catch staff back up to 100% of median market as funds become available. In the last two years employees were eligible for merit increases based on performance. In 2012 employees received a \$750 Special Recognition Contribution not added to base in recognition of their loyalty and dedication to customer service. In 2013 employees received a market rate adjustment based on a three tiered approach ranging from 2% to 5%.

City staff updated job descriptions and collected current market data. A team consisting of Clint Blackhurst, Karen Borkowski, Rich Kelly, Laura Morris, Dan Frelund, Joe Smith, and Gary Wardle reviewed market data and job descriptions from certain metro area municipalities, to include Adams County, Arvada, Aurora, City and County of Broomfield, Commerce City, Northglenn, Thornton and Westminster. Staff met with all Department Directors for input and discussion of the data as well as reviews of each position under their purview to determine internal parity based on job duties, supervision exercised, education, experience, and scope of duties. Based upon the current salary survey, City of Brighton employees are on average 8% below market. Staff recommends a 2% across the board market adjustment to base to maintain the progress achieved in 2013 for all regular full-time benefitted and regular part-time benefitted employees.

Based upon the data provided, the City Manager is recommending a market adjustment (effective with the pay period beginning August 3, 2014 of the City's salary pay plan as follows:

- 1) All regular benefitted full-time and regular benefitted part-time positions will receive a 2% market adjustment.
- 2) The Salary Range Placement Table for all regular positions will move 2%.

Per Council direction, at the end of 2014, City staff will update market data and job descriptions and make further recommendations for market adjustment as needed. In 2015, staff will again review and analyze market data per the established process.

FINANCIAL IMPLICATIONS

In order to implement the recommendation, City Council must approve a supplemental budget appropriation at final reading. Please note this dollar figure includes the changes a market adjustment brings to the benefits portion (Medicare and retirement) and is possible to implement now. The total increase for market adjustments with retirement and Medicare is \$128,702.51. Outlined below is the cost breakdown of the proposed August 3, 2014 Market Rate Adjustment allocated by fund.

11 Payperiods	Proposed Salaries	Total Increase with Retirement/Medicare
Utilities (Sewer, Water, Stormwater)	\$ 11,984.34	\$ 13,236.70
Cemetery	\$ 1,690.79	\$ 1,867.48
BURA	\$ 1,568.23	\$ 1,732.11
General Fund	\$ 101,282.23	\$ 111,866.22
Total	\$ 116,525.58	\$ 128,702.51
Per Pay Period		
\$ 10,595.16		

BRIGHTON CITY COUNCIL ORDINANCE

ORDINANCE NO. _____

INTRODUCED BY: _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, ESTABLISHING CERTAIN MARKET RATE SALARY ADJUSTMENTS FOR REGULAR FULL TIME AND REGULAR PART TIME EMPLOYEES OF THE CITY OF BRIGHTON PERSONNEL FOR A PORTION OF BUDGET YEAR 2014; INSTRUCTING THE CITY MANAGER TO IMPLEMENT SUCH ADJUSTMENTS EFFECTIVE AUGUST 3, 2014; AND SETTING FORTH OTHER DETAILS RELATED THERETO.

WHEREAS, fair and equitable personnel management tools and practices are essential for the administration of City government; and

WHEREAS, the City maintains and administers formal personnel policies and has assigned staff to implement and carry out the City's personnel administration; and

WHEREAS, in July of 2004 the City Council enacted Resolution No. 04-74 to establish certain Metro Adams County municipalities as the base for market rate comparisons for the City and to authorize the use of 100% of median market rate comparison for the restructuring of the salary plan for City employees; and

WHEREAS, over the past year, the Salary Survey Committee has studied and analyzed the existing pay plan, pay ranges, job classifications, and, based upon the information collected and the analyses conducted, has determined that a Market Rate Adjustment is necessary to move employees closer to 100% of the median market rate, and that the Salary Range Placement Table should be updated accordingly; and

WHEREAS, based on the gradual improvements in the City's economic conditions and recognizing the importance and value that the City's employees are to the City, the City Council finds and determines that a Market Rate Adjustment and updating the Salary Range Placement Table are justified and warranted under the information presented.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, THAT:

Section 1. In order to take a positive step toward achieving 100% of the median market rate for City employees, a Market Rate Adjustment to salary is warranted.

Section 2. All regular full-time and regular part-time employees will receive a 2% market adjustment to be added to the base salary.

Section 3. The salary range for all regular full-time and regular part-time employees will move 2%.

Section 4. The City Manager is directed to make such adjustments, effective with the payroll period beginning August 3, 2014.

**INTRODUCED, PASSED ON FIRST READING AND ORDERED PUBLISHED
THIS 1st DAY OF JULY, 2014.**

CITY OF BRIGHTON, COLORADO

Richard N. McLean, Mayor

ATTEST:

Natalie Hoel, City Clerk

APPROVED AS TO FORM:

Margaret R. Brubaker, Esq.
City Attorney

Published in the *Standard Blade*
First Publication: _____

**PASSED ON SECOND AND FINAL READING AND ORDERED PUBLISHED
THIS 15th DAY OF JULY, 2014.**

CITY OF BRIGHTON, COLORADO

Richard N. McLean, Mayor

ATTEST:

Natalie Hoel, City Clerk

Published in the *Standard Blade*
Final Publication: _____

**City Council
Agenda Item
8A**



**Finance Department
Division of Procurement and Contracts
Staff Report**

Reference: *Award of Formal Bid for the 2014 Crack Seal ~ Cape Seal ~ Slurry Seal ~ Concrete Replacement Project - Bid #14-012*

To:	Mayor Richard N. McLean and Members of City Council
Through:	Manuel Esquibel, City Manager
<input type="checkbox"/> Attorney Reviewed: _____	<input type="checkbox"/> Regular Council Agenda Date: _____
<input type="checkbox"/> Finance Reviewed: _____	<input type="checkbox"/> Resolution / Ordinance # _____
<input type="checkbox"/> Publication Dates: _____	
Prepared By:	Pam Roeding, Assistant Procurement & Contracts Manager Sharon L. Williams, Procurement & Contracts Manager
Through:	Joe Smith, Streets/Fleet Director Bill Allen, Construction Manager
Date Prepared:	June 23, 2014

PURPOSE

Requesting City Council approval of a formal bid for the 2014 Crack Seal ~ Cape Seal ~ Slurry Seal ~ Concrete Replacement Project to the lowest most responsive and responsible bidder, and approving the resolution giving the Mayor authority to sign the contract. Municipal Code Section 3.08.090, ". . . All bids and proposals in excess of \$50,000 shall be awarded through formal written procedures by the city council."

BACKGROUND/HISTORY

Formal Bids were requested from qualified Contractors for the 2014 Crack Seal ~ Cape Seal ~ Slurry Seal ~ Concrete Replacement Project. The work to be completed includes but is not limited to providing 40 tons of Crack Seal, 70,000 square yards of Type II Slurry Seal, 20,000 square yards of Cape Seal, 400 square yards of Bike Path (T=6") with Fibermesh, and 23 each Handicap Markings, in various approved locations throughout the City as stated in the Project Construction Specifications and the attached map.

Formal bids were received on June 19, 2014 at 11:00 AM. All bids received were opened and read into record by the Procurement & Contracts Manager at a public bid opening.

Firms submitting bids:

A-1 Chipseal

Precise Striping LLC

Foothills Paving and Maintenance

FINANCIAL IMPACT

Funding was approved in the 2014 in the budget. The proposal from A-1 Chipseal Co. is within the budgeted amount.

STAFF RECOMMENDATION

In completing the review and evaluation of this bid the recommendation is to award to the lowest most responsive and responsible bid of A-1 Chipseal Co., in the amount of Four Hundred Ninety-Seven Thousand Six Hundred Seventy-Three and 25/100 Dollars (\$497,673.25). A-1 Chipseal Co. is in good standing with the State of Colorado.

OPTIONS FOR COUNCIL CONSIDERATION

- Approval as presented
- Reject
- Require new bids be prepared

Attachments:

- Resolution
- Bid Abstract
- Unit Price Comparison
- Location Map

RESOLUTION

RESOLUTION NUMBER: _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, ACCEPTING THE BID OF A-1 CHIPSEAL CO. AND AWARDING THE CONTRACT FOR THE 2014 CRACK SEAL ~ CAPE SEAL ~ SLURRY SEAL ~ CONCRETE REPLACEMENT PROJECT, BID #14-012, IN AN AMOUNT NOT TO EXCEED FOUR HUNDRED NINETY-SEVEN THOUSAND SIX HUNDRED SEVENTY-THREE AND 25/100 DOLLARS (\$497,673.25), AND AUTHORIZING THE MAYOR TO SIGN THE CONTRACT ON BEHALF OF THE CITY AND THE CITY CLERK TO ATTEST THERETO.

WHEREAS, pursuant to Section 17.7 of the City of Brighton Charter, "*The Council shall establish by ordinance procedures requiring competitive bidding for contracts for the procurement of services, equipment, and supplies*"; and

WHEREAS, Chapter 3.08 of the Brighton Municipal Code, sets forth the requirements and procedures for purchasing of supplies or services and contracting for public works or professional services; and

WHEREAS, the City published a notice inviting bids through its formal bid process for completion of the 2014 Crack Seal ~ Cape Seal ~ Slurry Seal ~ Concrete Replacement Project; and

WHEREAS, funding was approved in the 2014 budget for the 2014 Crack Seal ~ Cape Seal ~ Slurry Seal ~ Concrete Replacement Project; and

WHEREAS, A-1 Chipseal Co., submitted a bid for the project which has been reviewed by the City; and

WHEREAS, the City believes that A-1 Chipseal Co. is the lowest and most responsive and responsible bidder for the 2014 Crack Seal ~ Cape Seal ~ Slurry Seal ~ Concrete Replacement Project; and

WHEREAS, the City believes that it is in the best interests of the City to accept the bid of A-1 Chipseal Co. in the amount of Four Hundred Ninety-Seven Thousand Six Hundred Seventy-Three and 25/100 Dollars (\$497,673.25), to award the contract for the 2014 Crack Seal ~ Cape Seal ~ Slurry Seal ~ Concrete Replacement Project to A-1 Chipseal Co., in an amount not to exceed Four Hundred Ninety-Seven Thousand Six Hundred Seventy-Three and 25/100 Dollars (\$497,673.25), and to authorize the Mayor to sign the contract on behalf of the City and the City Clerk to Attest thereto.

NOW THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO AS FOLLOWS:

1. That A-1 Chipseal Co. is the lowest responsive and responsible bidder for the 2014 Crack Seal ~ Cape Seal ~ Slurry Seal ~ Concrete Replacement Project; and
2. That the bid of A-1 Chipseal Co. in the amount of Four Hundred Ninety-Seven Thousand Six Hundred Seventy-Three and 25/100 Dollars (\$497,673.25), is hereby approved; and

3. That funding was approved in the 2014 budget for the 2014 Crack Seal ~ Cape Seal ~ Slurry Seal ~ Concrete Replacement Project; and
4. That the Contract for the 2014 Crack Seal ~ Cape Seal ~ Slurry Seal ~ Concrete Replacement Project is hereby awarded to A-1 Chipseal Co. in the amount not to exceed Four Hundred Ninety-Seven Thousand Six Hundred Seventy-Three and 25/100 Dollars (\$497,673.25); and
5. That the Mayor is hereby authorized to sign the contract with A-1 Chipseal Co. on behalf of the City and the City Clerk to Attest thereto.

RESOLVED, this 1st day of July, 2014.

**CITY OF BRIGHTON, COLORADO
CITY COUNCIL**

Richard N. McLean, Mayor

ATTEST:

Natalie Hoel, City Clerk

Approved as to Form:

Margaret R. Brubaker, Esq., City Attorney

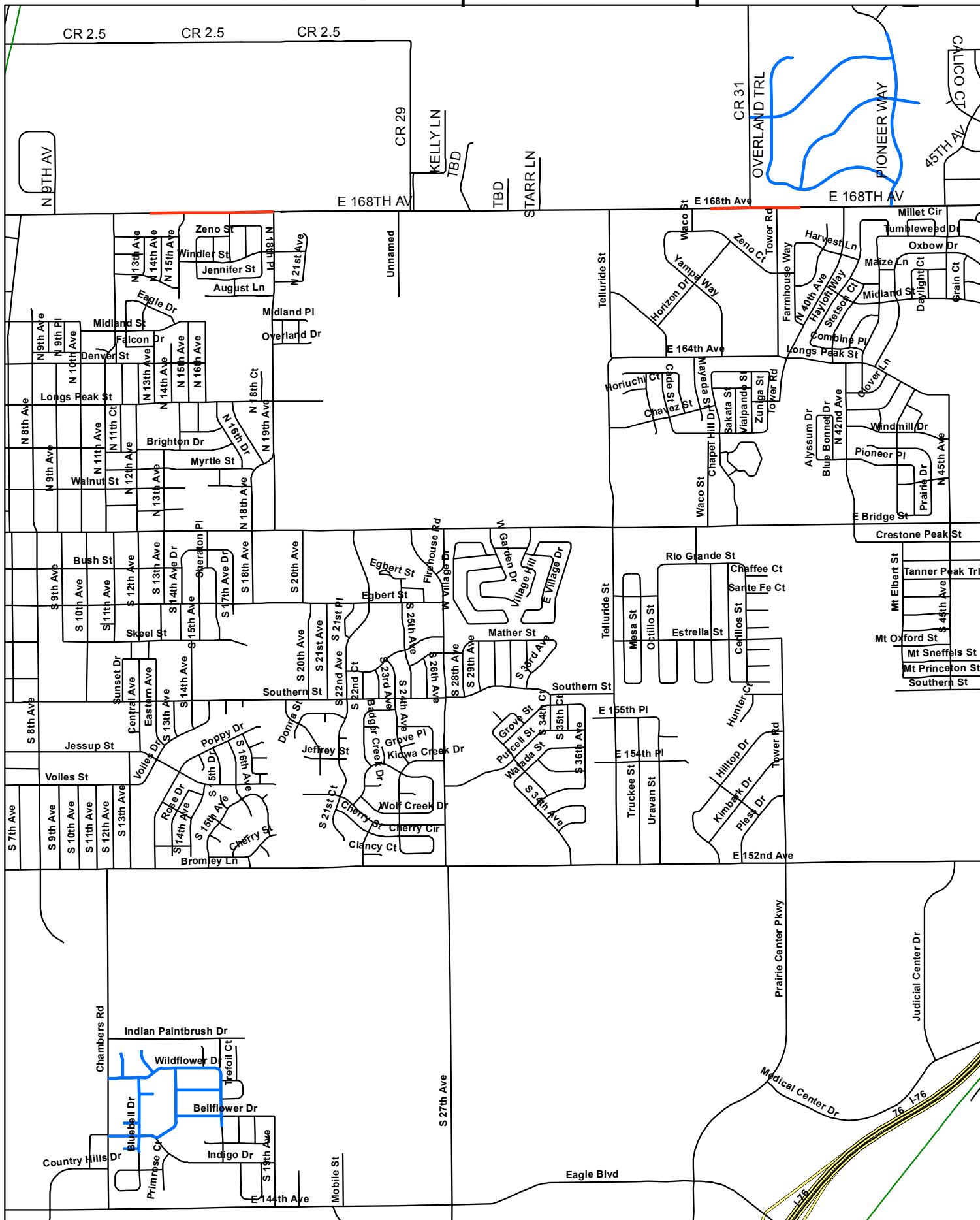
UNIT PRICE COMPARISON
2014 Crack Seal / Cape Seal / Slurry Seal/ Concrete Replacement Project
Bid #14-012 ~ Bid Date: June 19, 2014 ~ Bid Time 11:00 AM

Prepared by: Pam Roeding, Assistant Procurement & Contracts Manager
Through: Sharon L. Williams, Procurement & Contracts Manager
Prepared for: Joe Smith, Street/Fleet Director
Bill Allen, Construction Manager

Date prepared: June 19, 2014

Firm Name				A-1 Chipseal Co		Precise Striping LLC		Foothills Paving & Maintenance	
Item #	Item Description	Quantity	Unit	Unit Cost	Item Cost	Unit Cost	Item Cost	Unit Cost	Item Cost
Bid Items with Approved Items									
1	Mobilization/Demobilization	1	LS	\$26,500.00	\$26,500.00	\$15,000.00	\$15,000.00	\$13,500.00	\$13,500.00
2	Crack Seal	40	TN	\$2,895.00	\$115,800.00	\$2,100.00	\$84,000.00	\$3,250.00	\$130,000.00
3	Crack Seal (Deery Mastic or Approved Equal)	5	TN	\$4,900.00	\$24,500.00	\$2,900.00	\$14,500.00	\$3,500.00	\$17,500.00
4	Type II Slurry Seal	70,000	SY	\$1.73	\$121,100.00	\$1.98	\$138,600.00	\$1.83	\$128,100.00
5	Cape Seal	20,000	SY	\$4.17	\$83,400.00	\$4.75	\$95,000.00	\$4.40	\$88,000.00
6	Asphalt Patch (D=7")	1,000	SY	\$52.65	\$52,650.00	\$86.40	\$86,400.00	\$82.00	\$82,000.00
7	Remove Concrete	775	SY	\$14.95	\$11,586.25	\$39.95	\$30,961.25	\$20.70	\$16,042.50
8	Sidewalk (T=4")	150	SY	\$42.63	\$6,394.50	\$48.50	\$7,275.00	\$49.16	\$7,374.00
9	Sidewalk (T=6")	150	SY	\$52.10	\$7,815.00	\$59.40	\$8,910.00	\$59.60	\$8,940.00
10	Curb & Gutter	200	LF	\$26.32	\$5,264.00	\$43.20	\$8,640.00	\$34.50	\$6,900.00
11	Handicap Ramps	2	EA	\$1,895.00	\$3,790.00	\$3,780.00	\$7,560.00	\$690.00	\$1,380.00
12	Bike Path (T=6") with Fibermesh	400	SY	\$57.90	\$23,160.00	\$55.00	\$22,000.00	\$56.93	\$22,772.00
13	Class VI Road Base	100	CY	\$40.00	\$4,000.00	\$59.40	\$5,940.00	\$59.80	\$5,980.00
14	Parking Lot Striping (L=18' W=4")	460	EA	\$2.25	\$1,035.00	\$3.60	\$1,656.00	\$4.14	\$1,904.40
15	Handicap Markings	23	EA	\$29.50	\$678.50	\$25.00	\$575.00	\$28.75	\$661.25
16	Minor Contract Revisions	1	LS	\$10,000.00	\$10,000.00	\$10,000.00	\$10,000.00	\$10,000.00	\$10,000.00
Total Bid Amount					\$497,673.25		\$537,017.25		\$541,054.15

2014 CIP Improvement Map



0 0.125 0.25 0.5 Miles

SealType — CAPE — SLURRY

**City Council
Agenda Item
8B**



**Finance Department
Division of Procurement and Contracts
Staff Report**

Reference: *Approval of Budget Amendment and Award of Formal Bid for Roof Replacement Services at the Fleet Shop and the Recreation Center - Bid #14-025*

To:	Mayor Richard N. McLean and Members of City Council		
Through:	Manuel Esquibel, City Manager		
<input type="checkbox"/> Attorney Reviewed:	_____	<input type="checkbox"/> Regular Council Agenda Date:	_____
<input type="checkbox"/> Finance Reviewed:	_____	<input type="checkbox"/> Resolution / Ordinance #	_____
<input type="checkbox"/> Publication Dates:	_____		
Prepared By:	Sharon L. Williams, Procurement & Contracts Manager Bob Brady, Facilities Capital Project Manager		
Through:	Margaret Brocklander, Director Information Technology/Facilities		
Date Prepared:	June 24, 2014		

PURPOSE

Requesting City Council approval of a formal bid for the Roof Replacement Services at the Fleet Shop and the Recreation Center to the lowest most responsive and responsible bidder, and approving the resolution giving the Mayor authority to sign the contract. Municipal Code Section 3.08.090, ". . . All bids and proposals in excess of \$50,000 shall be awarded through formal written procedures by the city council."

BACKGROUND/HISTORY

Formal Bids were requested from qualified Contractors for Roof Replacement Services at the Fleet Shop and the Recreation Center. The Work to be completed includes providing all labor, materials and equipment necessary for the completion of the Work. Due to age and deteriorating conditions of the existing roofs staff recommended that the roofs be replaced with a Thermal Plastic System.

Formal bids were received on June 17, 2014 at 11:00am; eighteen (18) firms attended the mandatory pre-bid conference with four (4) firms submitting bids for this project. All bids received were opened and read into record by the Procurement & Contracts Manager at a public bid opening.

FINANCIAL IMPACT

Funding was approved in the 2014 in the Streets/Fleet capital improvement project budget in the amount of \$73,328, additional funding is being requested in the amount of \$11,672 for the Roofing Replacement for the Fleet building.

Sufficient budget is available for the Recreation Center capital improvement project budget in the amount of \$250,000.

STAFF RECOMMENDATION

Staff is recommending the approval of the 2014 Budget Amendment in the amount of Eleven Thousand Six Hundred Seventy Two Dollars (\$11,672.00) for the Fleet Shop Roof Replacement.

In completing the review and evaluation of this bid the recommendation is to award to the lowest most responsive and responsible bid of ACC Roofing, Inc., in the amount of Two Hundred Fifty Three Thousand Eight Hundred Forty Dollars (\$253,840.00). ACC Roofing, Inc. is in good standing with the State of Colorado.

OPTIONS FOR COUNCIL CONSIDERATION

- Approval as presented
- Reject
- Require new bids be prepared

Attachments:

- 2014 Budget Amendment
- Resolution for Award of Bid
- Bid Abstract

**CITY OF BRIGHTON, COLORADO
2014 BUDGET AMENDMENTS**

A RESOLUTION AMENDING CERTAIN ACCOUNTS IN THE CAPITAL IMPROVEMENT FUND AND APPROPRIATING MONEY FOR EXPENDITURE.

Resolution Number _____

WHEREAS, authority is granted by sections 29-1-109 and 29-1-111 of the Colorado Revised Statutes and Section 10.12 of the City of Brighton, Colorado Charter to amend the adopted budget for the current fiscal year; and

WHEREAS, those adjustments to the 2014 Budget which are necessary for the 2014 City operations could not have been reasonably foreseen at the time of the adoption of the 2014 Budget; and

WHEREAS, the City Council has been advised by the City Manager that the revision to the 2014 Budget as contained within this resolution can adequately be implemented as set forth herein.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Brighton, Colorado that:

The Capital Improvement Fund be modified in the following accounts:

Expenditures:

Project 94910 New City Hall	\$<11,672>
Project 94521 Fleet Shop Roof Replacement	<u>11,672</u>
Total	0

ADOPTED this 1st day of July, 2014.

CITY OF BRIGHTON, COLORADO

Richard N. McLean, Mayor

ATTEST:

Natalie Hoel, City Clerk

APPROVED AS TO FORM:

Margaret R. Brubaker, City Attorney

RESOLUTION

RESOLUTION NUMBER: _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, ACCEPTING THE BID OF ACC ROOFING, INC. AND AWARDING THE CONTRACT FOR THE ROOF REPLACEMENT SERVICES AT THE FLEET SHOP AND THE RECREATION CENTER, BID #14-025, IN AN AMOUNT NOT TO EXCEED TWO HUNDRED FIFTY THREE THOUSAND EIGHT HUNDRED FORTY DOLLARS (\$253,840.00), AND AUTHORIZING THE MAYOR TO SIGN THE CONTRACT ON BEHALF OF THE CITY AND THE CITY CLERK TO ATTEST THERETO.

WHEREAS, pursuant to Section 17.7 of the City of Brighton Charter, "*The Council shall establish by ordinance procedures requiring competitive bidding for contracts for the procurement of services, equipment, and supplies*"; and

WHEREAS, Chapter 3.08 of the Brighton Municipal Code, sets forth the requirements and procedures for purchasing of supplies or services and contracting for public works or professional services; and

WHEREAS, the City published a notice inviting bids through its formal bid process for completion of the Roof Replacement Services at the Fleet Shop and the Recreation Center; and

WHEREAS, funding was approved in the 2014 budget for the Roof Replacement Services at the Fleet Shop and the Recreation Center Project; and

WHEREAS, ACC Roofing, Inc., submitted a bid for the project which has been reviewed by the City; and

WHEREAS, the City believes that ACC Roofing, Inc. is the lowest and most responsive and responsible bidder for the Roof Replacement Services at the Fleet Shop and the Recreation Center; and

WHEREAS, the City believes that it is in the best interests of the City to accept the bid of ACC Roofing, Inc. in the amount of Two Hundred Fifty Three Thousand Eight Hundred Forty Dollars (\$253,840.00), to award the contract for the Roof Replacement Services at the Fleet Shop and the Recreation Center Project to ACC Roofing, Inc., in an amount not to exceed Two Hundred Fifty Three Thousand Eight Hundred Forty Dollars (\$253,840.00), and to authorize the Mayor to sign the contract on behalf of the City and the City Clerk to Attest thereto.

NOW THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO AS FOLLOWS:

1. That ACC Roofing, Inc. is the lowest responsive and responsible bidder for the Roof Replacement Services at the Fleet Shop and the Recreation Center; and
2. That the bid of ACC Roofing, Inc. in the amount of Two Hundred Fifty Three Thousand Eight Hundred Forty Dollars (\$253,840.00), is hereby approved; and
3. That funding was approved in the 2014 budget for the Roof Replacement Services at the Fleet Shop and the Recreation Center Project; and

4. That the Contract for the Roof Replacement Services at the Fleet Shop and the Recreation Center Project is hereby awarded to ACC Roofing, Inc. in the amount not to exceed Two Hundred Fifty Three Thousand Eight Hundred Forty Dollars (\$253,840.00); and
5. That the Mayor is hereby authorized to sign the contract with ACC Roofing, Inc. on behalf of the City and the City Clerk to Attest thereto.

RESOLVED, this 1st day of July, 2014.

**CITY OF BRIGHTON, COLORADO
CITY COUNCIL**

Richard N. McLean, Mayor

ATTEST:

Natalie Hoel, City Clerk

Approved as to Form:

Margaret R. Brubaker, Esq., City Attorney

BID ABSTRACT
Roof Replacement Services - Fleet Shop and Recreation Center
Bid#14-025

Read into Record by:
Recorded by:

Sharon L. Williams, Procurement & Contracts Manager
Estella Gallegos, Procurement Clerk

Firm Name	Bid Bond	Acknowledge Addenda 1, 2 & 3	Item #1 Fleet Shop Building	Item #2 Recreation Center Building	Total Bid Amount for Items 1 & 2	Item #3 Unit Price for Board Foot	Item #5 - Complete Tear Off		Item #5 Total Bid Amount
							Fleet Shop	Rec Center	
ACC Roofing Inc.	X	X	85,000.00	168,840.00	253,840.00	5.93	Not Required	Not Required	
1713 E Lincoln Ave #B12-3									
Fort Collins, CO 80524									
Central States Roofing & Insulating Co	X	X	N/A	N/A	N/A	N/A	86,062.00	312,938.00	399,000.00
5925 Omaha Blvd									
Colorado Springs, CO 80915									
Front Range Roofing Systems	X	X	81,125.00	237,030.00	317,350.00	4.00	81,125.00	365,500.00	446,625.00
222 13th Street			*See note below	**See note below					
Greeley, CO 80631									
Alpine Roofing Co. Inc	X	X	97,006.00	353,803.00	450,809.00	3.65	No Bid	No Bid	
4780 York Street									
Denver, CO 80216									

*Complete tear off required

**Existing insulation will not be warranted by mfg